

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

DAVID R. RUSH,

Plaintiff,

v.

CORRECTIONAL MEDICAL SERVICES, Inc, et al,

Defendants.

C.A. 07-514-SLRMOTION FOR ENLARGEMENT OF TIME

Plaintiff, Rush, pro se, hereby respectfully requests, pursuant to the appropriate Local Rule of the United States District Court for the District of Delaware and Fed. R. Civ. P., rule 6 (b) and does respectfully request an additional fifteen days to reply/answer/object to Defendant's Response To Plaintiff's Motion For

Temporary Restraining order/Preliminary Injunction

Rush is pro se and seeks pleading leniency pursuant to Haines v. Kerner, 404 U.S. 519 (1972). Rush offers the following in support:

1. Rush is a friend of the Court—who comes in good faith and not to delay or obstruct the proceedings.
2. Rush is a pro se prisoner, thus meaningful and timely communications with defendants is impractical; however, rush presumes defendants object to the instant request.
3. Rush is in receipt of defendants' Response To Plaintiff's Motion For Temporary Restraining order/Preliminary Injunction

which was delivered via regular mail and dated September 20, 2007.

4. A reply/answer or objection is due no later than October 02, 2007.
5. The instant request is filed in compliance with rule 6 (b) (e.g. within five days of the due date).
6. Rush faces extraordinary obstacles that defendants are not impeded by. Specifically, as a pro se prisoner, Rush is limited to no more than two ninety minute sessions per week at the law library. Moreover, this three hour maximum is often times reduced because the law library is unable to accommodate the prisoner population and it is common to get bumped off the law library schedule.
7. Once this occurs, it takes two weeks for one to get back on the schedule, thus one is impeded from access to any law books, etc for this period. There is no paging or mail order system for Compound prisoners.
8. Lastly, once Rush completes a draft, he must mail in a "photo copy" request for the appropriate amount of copies, which has a turn-around time of some five to seven days. Naturally, this also causes a delay, however, through no fault of Rush.

WHEREFORE, in view of the extraordinary impediments that Rush faces, he respectfully requests this Court to grant his reasonable request for an enlargement

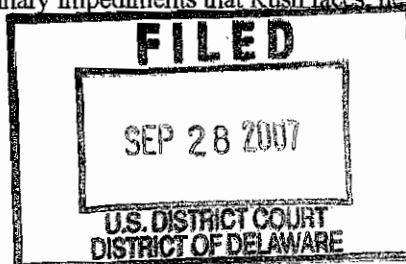
David Rush

David Rush, SBI # 173418

DCC, W-1, D-16

1181 Paddock Rd.

Smyrna, DE



September 24, 2007
Date

PS scanned

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

ORDER

By Order of the Court, regarding Case no. _____, Plaintiff's request for an
enlargement of time is Granted. Plaintiff has until _____ date to file an
Answer/reply/objection to Defendants' _____
_____.

The Clerk of the Court shall enter the Order on the Court's docket effective as date below.

Honorable Judge

Date

CERTIFICATE OF SERVICE

I, Plaintiff, Rush, have caused to be delivered on the below defendants the following documents by placing same in the U.S. Mail receptacle at DCC prison on the 27Th day of September, 2007.

1. Filings: Motion for Enlargement of TIME
2. Filings: N/A
3. Filings: N/A

Defendants/Counsel:

James E. Drnec, Esq.
(Counsel for CMS, et al)
711 King St.
Wilmington, DE 19801

David Rush

David Rush, SBI # 173418, DCC W-1, D-16, 1181 Paddock Rd., Smyrna, DE 19977

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